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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,427	08/16/2006	Alexander Walter	4100-403PUS	3623
27799 7590 08/02/2010 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER				
BOEHLER, ANNE MARIE M				
ART UNIT		PAPER NUMBER		
3611				
MAIL DATE		DELIVERY MODE		
08/02/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/581,427

**Applicant(s)**

WALTER, ALEXANDER

**Examiner**

Anne Marie M. Boehler

**Art Unit**

3611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/19/2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-23 is/are pending in the application.
- 4a) Of the above claim(s) 17, 19 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16, 18, 20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. Claims 17, 19, and 21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/12/2008.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11, 12, 14-16, 18, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zaunberger (USPN 4,998,591) in view of Muller (USPN 3,645,351)

Zaunberger teaches a tracked vehicle, in the embodiment of Figure 5, with a pair of drive shafts 134, 136, driven by respective motors 4/5, 4/4, a differential gear mechanism 120, and a steering control motor 2/4 connected to the differential. Brakes 90, 90, are mounted to respective drive shafts. An engine 14 is the source of power for each of the motors 2/4, 4/4, 4/5, and is transferred to the motors in the form of electrical current.

Zaunberger lacks two energy sources.

Muler teaches the use of two engines 1, 1', that are separately controllable energy sources for powering tracked vehicle drive and steering arrangements.

It would have been obvious to one of ordinary skill in the art to provide the Zaunberger vehicle with two energy sources, as taught by Muller, in order to provide supplemental energy for the system when needed. Zaunberger shows a pair of motors for driving the axles, but fails to specify the use of fireproof bulkheads. However, it is well known and would have been obvious to mount motors within fireproof bulkheads, in order to prevent the spread of fire.

4. Claims 13 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Zaunberger and Muller as applied to claims 11, 12, 14-16, 18, 22, and 23 above, and further in view of Lucius (USPN 4,917,200).

The combination lacks a pair of steering motors.

Lucius shows a track drive and steering system with a pair of steering motors 42, 43, for controlling a differential mechanism 48-57.

It would have been obvious to one of ordinary skill in the art to provide the combination drive and steering arrangement with two steering motors, as taught by Lucius, in order to provide a precise steering operation. As indicated above, it is old and well known and would have been obvious to separate motors by a fireproof bulkhead, in order to prevent the spread of fire.

5. Applicant's arguments filed 5/19/2010 have been fully considered but they are not persuasive.

Applicant argues that the prior art fails to teach two energy sources providing current to the traction drive and electric steering drive. Applicant argues, specifically, that Muller teaches two drive sources but that they do not provide electric current to the

drives. The examiner disagrees with the applicant's assertion that the combination of Zaunberger and Muller fails to teach the claimed invention. Zaunberger teaches all of the claimed features except for two energy sources. The energy source taught by Zaunberger is an engine 14 that powers a generator 12 to provide electrical current to steering and traction drives 4/3, 2/3. The source of power is a single engine. Muller teaches the use of two engines, instead of one, to provide redundancy in case of failure of one, to reduce the size and weight of the power plant, to reduce expense and simplify service (see col. 1, lines 20-27). Therefore, Muller provides abundant motivation to use two engines in place of one. Applicant argues that, if the teaching of Muller were followed, the result would be two engines coupled to a single generator which, applicant seems to interpret as resulting in a single power source. The examiner disagrees. Even if one were to strictly interpret the Muller teaching as to provide two engines in place of the single engine (which the examiner does not concede) the claim language would be met. There is no language in the claim requiring a second generator, only a second power source. The second engine is the second power source. Moreover, since the Zaunberger arrangement involves a motor/generator, it is believed that it would also have been obvious to provide a second motor and second generator in place of the single motor/generator of Zaunberger, in view of the Muller teaching, for all of the advantages indicated.

Applicant argues that Muller lacks a teaching to make to the engines operable separately from each other. The examiner disagrees and draws attention to the following passages from the Muller disclosure that teach independently operable

engines. In col. 1, line 33-34 of the Muller disclosure, it states "the engines should be able to run fully independently of each other", for recitation of this feature. Column 4, lines 13-15 of Muller also states "the engines can be safely connected singly or in unison to the power flow without any danger or superposed oscillations." Therefore, that teaching is explicitly teach by Muller. Therefore, the rejection is being maintained.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Friday, with work at home on Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anne Marie M. Boehler/  
Primary Examiner, Art Unit 3611

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